

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAVAUGHAN MOORE,

No. C-06-4813 MMC

Plaintiff,

**ORDER DENYING EX PARTE  
APPLICATION FOR EXTENSION OF  
DEADLINE TO RESPOND TO MOTION  
TO DISMISS**

v.

EDWIN WILSON, et al.,

(Docket No. 11)

Defendants.


Before the Court is plaintiff's ex parte application for an extension of the deadline to respond to defendant's motion to dismiss, and defendants' opposition thereto. Plaintiff states that she did not receive the motion to dismiss until September 18, 2006 because she "had to move to Henderson, Nevada," and, additionally, implies she had not anticipated the filing of defendants' motion because she had not yet served defendants with the "refiled complaint." (See Motion at 2.) Plaintiff has violated Civil Local Rule 3-11, however, by failing to "promptly file with the Court and serve upon all opposing parties a Notice of Change of Address specifying the new address." See Civil L.R. 3-11(a). Indeed, even in her instant motion, plaintiff continues to list the same San Francisco address as she listed in her complaint, which is the address to which defendants mailed a copy of their motion to dismiss. Plaintiff's failure to provide the Court or the defendants with her current address does not constitute good cause for an extension of time for plaintiff to respond to defendants' motion to dismiss.

1 In any event, as set forth in the Court's separate order, filed concurrently herewith  
2 and granting defendants' motion to dismiss, plaintiff may not refile a complaint that was  
3 previously dismissed pursuant to Rule 41(b). As plaintiff cannot set forth an arguable  
4 ground for denying the motion to dismiss, her request for additional time to file an  
5 opposition is futile.

6 Accordingly, for the reasons set forth above, plaintiff's ex parte request for an  
7 extension of time to file an opposition to defendants' motion to dismiss is hereby DENIED.

8 **IT IS SO ORDERED.**

9 Dated: September 26, 2006

  
MAXINE M. CHESNEY  
United States District Judge